

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 24, A bill to be entitled "An Act to create the Sylvester Independent School District in Fisher County, Texas, including the present Sylvester Independent District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Sylvester Independent District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, providing for the assumption of any outstanding bonded indebtedness created by the present Sylvester Independent District; and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 7, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 25, A bill to be entitled "An Act creating the West Columbia Independent School District in Brazoria County, Texas; defining its boundaries, including the present Common School District No. 16 in Brazoria County, Texas; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; validating a bond issue of \$40,000.00 heretofore voted in said district; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, June 8, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Burkett for today, on account of important business, on motion of Senator Wirtz.

Senator Clark, for today, on account of important business, on motion of Senator Strong.

Bills on First Reading.

The following bills, introduced today, were each read first time and referred to appropriate committees as follows:

By Senator Woods:

S. B. No. 26, A bill to be entitled "An Act to prohibit the reckless driving and operation of motor vehicles on the public highways of the State of Texas, and prescribing penalties therefor, and defining reckless driving and operation; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Davis:

S. B. No. 27, A bill to be entitled "An Act to amend Section 1, of a special Act, 'creating Rockwall Independent School District, prescribing metes and bounds and providing for the creation of a board of trustees and authorizing said trustees to levy, assess, and collect special taxes, and conferring upon said board plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within said district, and further prescribing the authority and duties of said boards of trustees,' enacted by the Thirty-third Legislature of the State of Texas, approved on the 31st day of March, 1913, so as to include in said district, thus formed, additional territory, and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Davis:

S. B. No. 28, A bill to be entitled "An Act authorizing any city in the State of Texas of one hundred thousand or more population, whether organized by Special Law, Home Rule Charter, or General Laws of the State of Texas, to disannex unimproved territory, and declaring an emergency."

To the Committee on Towns and City Corporations.

By Senator Floyd:

S. B. No. 29, A bill to be entitled "An Act changing the name and title of the Commissioner of Insurance and Banking to 'Commissioner of Insurance,' and providing that the Department administered by such officer shall be known as the 'Department of Insurance' instead of the 'Department of Insurance and Banking'; and declaring an emergency."

To the Committee on Insurance and Banking.

By Senator Wood:

S. B. No. 30, A bill to be entitled "An Act appropriating any unexpended balance to the credit of Appropriation C-3507, the same being an appropriation made by the Thirty-seventh Legislature for the year ending August 31, 1921, to be found at Page 262 of the General Laws of the First and Second Called Sessions of the Thirty-sixth Legislature, and making said unexpended balance, or so much thereof as may be necessary, available for fees and costs of sheriffs, attorneys and clerks in felony cases for the year ending August 31, 1923, and declaring an emergency."

To the Committee on Educational Affairs.

By Senators Wood, Parr, Floyd, Cousins, and Thomas:

S. B. No. 31, A bill to be entitled "An Act authorizing the purchase of Block No. 109 in the city of Austin, Texas, by the State of Texas and Travis County, Texas, and the erection thereon of a building for the use of the Supreme Court, the Court of Criminal Appeals, certain other appellate courts of Texas, and the Supreme Court Library, and for the use of the courts of Travis County, Texas, and the offices of the officials of said county; providing for an equal division of the expenses thereof between the State of Texas and Travis County, Texas, and making an appropriation therefor, and declaring an emergency."

To the Committee on Finance.

By Senator Holbrook:

S. B. No. 32, A bill to be entitled "An Act to create the Roscoe Independent School District in Nolan County, Texas, including the present Roscoe Independent School District; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas for school purposes only; providing that the board of trustees of the existing school district shall continue to act as such until their successors are elected in accordance with the provisions of this Act, and the General Laws of Texas; repealing an Act

known as Senate Bill No. 84, passed by the Thirty-eighth Legislature at its Second Called Session, creating said district; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator McMillin:

S. B. No. 33, A bill to be entitled "An Act amending the statutes relative to drugs and narcotics, making it unlawful to possess for unlawful sale, furnishing or giving away any marihuana or other drug, narcotic preparation, derivative or preparation mentioned in Section 1 of Chapter 150, General Laws, Regular Session of the Thirty-sixth Legislature, as amended by Chapter 61, General Laws of the Second Called Session of the Thirty-sixth Legislature, and making it a felony to carry on or about the person any pistol, arm or weapon mentioned in Article 475; Penal Code, while so possessing same; prescribing penalties; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Darwin:

S. B. No. 34, A bill to be entitled "An Act creating an Illiteracy Commission for Texas, defining the powers and duties of said Commission, and making an appropriation for the work to be carried on under the direction of said Commission, and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Ridgeway:

S. B. No. 35, A bill to be entitled "An Act regulating the lights and lighting and operation of motor vehicles, tractors, trailers, semi-trailers, motorcycles, and bicycles in this State; prescribing the lights for such vehicles between the hours of half-hour after sunset and half hours before sunrise; providing for the use of red flags on certain loaded vehicles in the daytime; enacting the necessary penal provisions as to lights for such vehicles and devices and equipment for such lights; providing for the tests and approval of such devices and equipment by the State Highway Commission; prescribing the rule of evidence in criminal prosecutions relative to such test and approval; prescribing penalties

for violations of the Act; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

Senate Simple Resolution No. 21.

By Senator Bailey:

Resolved, by the Senate of Texas that the Senate Librarian be, and she is hereby instructed to prepare appropriate inscriptions to be hung under the portraits of Hon. Jno. H. Reagan, Hon. Jos. W. Bailey, Mrs. Clara Driscoll Sevier and Brig. Gen. Ulysses G. McAlexander, U. S. A., now hanging in the Senate Chamber, as nearly uniform as possible with those hung under the other portraits hanging in the Senate Chamber, and the Sergeant-at-Arms be and is hereby instructed to attach the same to and under said portraits, the expense thereof to be paid out of the contingent expense fund of the Senate.

The resolution was read and adopted.

S. B. No. 22 on Second Reading.

On motion of Senator Darwin, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 22, A bill to be entitled "An Act making an appropriation for two years for any unexpended balance of an appropriation made to purchase additional lands for the University of Texas, which appropriation was made by the Thirty-seventh Legislature at its Regular Session, said Act being Chapter 137 of the General Laws of said Regular Session; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that it be not printed, was adopted, and the bill passed to engrossment.

S. B. No. 22 on Third Reading.

On motion of Senator Darwin the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 22 was put upon its third reading and final passage by the following vote:

Yeas—24

Bailey.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent.

Baugh.

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

The Chair laid S. B. No. 22 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—21.

Bailey.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—2.

McMillin.	Rice.
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Present—Not Voting.

Woods.

Absent.

Baugh.

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

S. B. No. 23 on Second Reading.

On motion of Senator Wirtz, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 23, A bill to be entitled 'An Act to amend Sections 1 and 3,

Chapter 2, Special Laws of Texas, Thirty-seventh Legislature, First Called Session, an Act creating the McCauley County Line Independent School District in Fisher and Jones Counties; and declaring and emergency."

The Chair laid the bill before the Senate, it was read second time, and the committee report that it be not printed, was adopted, and the bill passed to engrossment.

S. B. No. 23 on Third Reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 23 was put upon its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

The Chair then laid S. B. No. 23 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.
Burkett.
Clark.

Davis.
Doyle.

(Senator Woods in the Chair)

S. B. No. 24 on Second Reading.

On motion of Senator Wirtz, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

S. B. No. 24, A bill to be entitled "An Act to create the Sylvester Independent School District in Fisher County, Texas, including the present Sylvester Independent District of said county; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Sylvester Independent District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas; providing for the assumption of any outstanding bonded indebtedness created by the present Sylvester Independent District; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that it be not printed, was adopted, and was passed to third reading.

S. B. No. 24 on Third Reading.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days in each House, was suspended, and S. B. No. 24 was put upon its third reading and final passage by the following vote:

Yeas—25.

Bailey.
Baugh.
Bowers.
Cousins.
Darwin.
Fairchild.
Floyd.
Holbrook.
Lewis.

McMillin.
Murphy.
Parr.
Pollard.
Rice.
Ridgeway.
Rogers.
Strong.
Stuart.

—Senate.

Thomas.
Turner.
Watts.
Wirtz.

Witt.
Wood.
Woods.

Absent—Excused.

Bledsoe.
Burkett.
Clark.

Davis.
Doyle.

The Chair then laid S. B. No. 24 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.
Baugh.
Bowers.
Cousins.
Darwin.
Fairchild.
Floyd.
Holbrook.
Lewis.
McMillin.
Murphy.
Parr.
Pollard.

Rice.
Ridgeway.
Rogers.
Strong.
Stuart.
Thomas.
Turner.
Watts.
Wirtz.
Witt.
Wood.
Woods.

Absent—Excused.

Bledsoe.
Burkett.
Clark.

Davis.
Doyle.

H. B. No. 67 on Passage to Third Reading.

The Chair laid before the Senate as pending business and special order, H. B. No. 67, relating to levying tax on gasoline, etc., which was read second time on June 5th and made a special order for June 6th and on that date postponed and made a special order following disposition of S. B. No. 4.

Motions were pending to adopt both the majority and minority committee reports.

The majority committee report, carrying the following substitute, was adopted:

A BILL**To be Entitled**

An Act levying and providing for the payment of a State occupation tax on those who, in this State, refine, compound, manufacture, blend or prepare gasoline or gasoline substitute from petroleum or natural gas and sell same in intrastate

commerce in this State; and levying a State occupation tax on those who make the first sale in intrastate commerce in this State of gasoline, or gasoline substitute, brought into the State from outside the State which has been refined, compounded, manufactured, blended or prepared from petroleum or natural gas; requiring reports to be made, and records to be kept, and permitting inspection thereof by proper public officials, and prescribing penalties for failures to comply with the Acts in order to facilitate collection of such occupation taxes; providing for interest on delinquent taxes and penalties; making disposition of the taxes after collected; providing for suits for taxes, penalties and interest and compensation of officers bringing same; defining gasoline; declaring the legislative intent as to parts of the Act being held invalid; repealing the present gasoline occupation tax law; defining 'person' as used in the Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every person refining, compounding, manufacturing, blending or preparing any gasoline in this State and selling said gasoline in intrastate commerce in this State shall pay to the State of Texas an occupation tax equal to one cent per gallon of all such gasoline so sold by such person. Such tax shall be due and payable at the office of the State Comptroller of Public Accounts, at Austin, on the 25th day of each month, based on such sales made during the calendar month next preceding.

Sec. 2. Every person making the first sale of each gallon of gasoline in intrastate commerce in this State after such gasoline has been brought into this State from outside the State shall pay to the State of Texas an occupation tax equal to one cent per gallon of such gasoline so sold. Such tax shall be due and payable at the office of the State Comptroller of Public Accounts at Austin on the 25th day of each month based on such sales made during the calendar month next preceding.

Sec. 3. Every person mentioned or included in or affected by Section one (1) of this Act shall on or be-

fore the 25th day of each month, make and deliver to the Comptroller of Public Accounts at Austin, Travis County, Texas, a report sworn to by such person before an officer authorized to administer oaths in this State (or if such person be other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officer, or by its representative in charge of its intrastate sales of such gasoline) on such forms as said Comptroller shall prescribe, of the total number of gallons of gasoline sold in intrastate commerce in this State by such person during the next preceding calendar month which has been refined, compounded, manufactured, blended or prepared in this State by such person.

Sec. 4. Every person mentioned or included in or affected by Section two (2) of this Act shall on or before the 25th day of each month, make and deliver to the Comptroller of Public Accounts at Austin, Travis County, Texas, a report sworn to by such person before an officer authorized to administer oaths in this State (or if such person be other than an individual, so sworn to by its president, secretary, treasurer or other duly authorized officer, or by its representative in charge of its intrastate sales of such gasoline) on such forms as said Comptroller shall prescribe, of the total number of gallons of said gasoline sold by such person in intrastate commerce in this State, such sale being the first intrastate sale of each gallon of such gasoline after the same has been brought into this State from without the State, showing all such sales made by such person during the next preceding calendar month.

Sec. 5. Failure of the Comptroller to furnish any person affected by this Act with a form for any report required to be made by such person shall not relieve such person of liability for penalties for failure to comply with this Act as to any such report.

Sec. 6. Every person mentioned or included in or affected by Sections one (1) or two (2) of this Act shall keep a complete record of all sales made upon which the occupation tax herein levied is measured or computed, which record shall be in a permanently bound book, or books

(not loose leaf), and shall show the date of each such sale; the amount of same; to whom, except retail sales, each such sale was made; from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller of Public Accounts, or the Attorney General, or any employee or representative of such Comptroller or Attorney General. Any such person failing to keep such record or records as herein required shall forfeit to the State as a penalty an amount not exceeding one thousand dollars; and for each day such person so fails to keep such record or records a separate penalty shall accrue.

Sec. 7. Any person mentioned or included in Sections 1 or 2 of this Act failing to pay the tax levied in said sections on or before the date same is due and payable, shall pay to the State as a penalty an additional ten per cent of the amount of the tax due on said date and such tax and penalty shall draw interest at the rate of eight per cent per annum from the due date until paid.

Sec. 8. Any person required to make any report under this Act failing to make the same in the manner or within the time prescribed by this Act shall forfeit to the State a penalty of not to exceed one thousand dollars. Such penalty shall draw eight per cent interest from due date until paid.

Sec. 9. The occupation taxes herein levied shall be placed in the State Treasury by the Comptroller as provided in this Act immediately upon collection of same. One-fourth of such occupation tax shall go to the available free school fund and three-fourths of same shall be placed to the credit of the State Highway Fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission, and said funds shall be set aside in a separate fund from the general revenue fund for the two purposes herein mentioned, and shall be subject to disbursement in accordance with the statute controlling the distribution of such available school fund and State Highway Fund,

respectively. All funds derived from the occupation tax herein levied are hereby appropriated and shall be available for the purposes herein mentioned for two years beginning September 1, 1923.

Sec. 10. It shall be the duty of the Attorney General, or any district or county attorney at the direction of the Attorney General, to bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of taxes, penalties and interest past due and payable by any person affected by this Act. The officer (if the county or district attorney) bringing the suit shall be entitled to retain ten per cent of the amount of the judgment as compensation for his services; provided that the county or district attorney shall not be required to account for or report any such compensation as fees of office but the same shall be in addition to all other compensation and over and above any maximum or excess fees allowed by law.

Sec. 11. The word "gasoline" as used in this Act means gasoline or gasoline substitute refined, compounded, manufactured, blended or prepared from petroleum or natural gas, or what is commercially known as gasoline so refined, compounded, manufactured, blended or prepared; and shall also include what is commonly known as "casing head" gasoline and "natural gasoline" when sold for commercial use before being blended.

Sec. 12. If any section, portion, clause, or sentence of this Act should be held to be unconstitutional, or invalid, for any reason, the remainder of the Act shall nevertheless remain in force and effect.

Sec. 13. The Act of the Thirty-eighth Legislature, Regular Session, effective April 1, 1923, the same being House Bill No. 12, and being an Act levying an occupation tax on sales of gasoline, is hereby in all things repealed.

Sec. 14. The word "person" as used in this Act shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, those operating under a declaration of trust, or other concern by whatever name known or howsoever organized, formed or created.

Sec. 15. It is the purpose and in-

tent of this Act to levy an occupation tax that will not operate to burden the industry with the tax every time any particular gasoline is sold, but to place the tax on only one transaction as to any particular gasoline, to the end that the tax will bear equally and uniformly on the gasoline industry.

Sec. 16. The fact that the law recently passed levying an occupation tax on the sales of gasoline is indefinite and uncertain, together with the fact that the State Treasury is in a depleted condition, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Senator Wirtz offered the following amendment to the bill:

Amend H. B. No. 67, by striking out all after the enacting clause, and in lieu thereof add the following:

Section 1. Every person selling at wholesale in intrastate commerce in this State any gasoline shall pay to the State of Texas an occupation tax equal to one cent per gallon of all such gasoline so sold by such person. Such tax shall be due and payable at the office of the State Comptroller of Public Accounts at Austin, Travis County, Texas, on the 25th day of each month, based on such sales made during the calendar month next preceding.

Sec. 2. Every such person so selling gasoline shall, on or before the 25th day of each month, make and deliver to the Comptroller of Public Accounts at Austin, Travis County, Texas, a report sworn to as correct by such person before an officer authorized to administer oaths in this State (or, if other than an individual, so sworn to by its president, secretary, treasurer, or other duly authorized officer, or by its representative in charge of such intrastate sales of such gasoline), on such forms as said Comptroller shall prescribe, of the total number of gallons of gasoline sold at wholesale in intrastate commerce in this State by such person during the next preceding calendar month.

Sec. 3. The term "selling at

wholesale" or "sales at wholesale" as used in this Act shall include:

(a) Any and all sales of gasoline in any quantity whatsoever in intrastate commerce in this State to the retailer to be sold by such retailer to the consumer in any quantity whatsoever.

(b) And all sales to the consumer in intrastate commerce in this State of gasoline refined, compounded, manufactured, blended or prepared in this State where such sales are made by the person so refining, compounding, manufacturing, blending or preparing same whether such sales are made in such person's own name or in the name of others or in the name of a representative, agent or employee of such person.

(c) Any and all sales in any quantity whatsoever to the consumer in intrastate commerce in this State, of gasoline brought into the State from outside the State, except that gasoline which is sold in intrastate commerce to the retailer for sale to the consumer the selling of which latter mentioned is covered by Subdivision (a) hereof.

Sec. 4. Failure of the Comptroller to furnish any person affected by this Act with a form for any report required to be made by such person shall not relieve such person of liability for penalties for failure to comply with this Act as to any such report.

Sec. 5. Every person required to pay said tax shall keep a complete record of all sales at wholesale made upon which the occupation tax herein levied is measured or computed, which record shall be in a permanently bound book, or books (not loose leaf), and shall show the date of each such sale; the amount of same; to whom (except as to sales to the consumer) each such sale was made; from what place such gasoline was shipped and the name of the place of delivery of same. All of which records shall be open at all times to official inspection and examination of the Comptroller of Public Accounts, or the Attorney General, or any authorized employee or representative of such Comptroller or Attorney General. Any such person failing to keep such record or records as herein required shall forfeit to the State as a penalty an amount not exceeding one thousand

dollars; and for each day such person so fails to keep such record or records a separate penalty shall accrue.

Sec. 6. Any person required to pay an occupation tax by this Act failing to pay such tax on or before the date same is due and payable, shall pay to the State as a penalty an additional ten per cent of the amount of the tax due on said date and such tax and penalty shall draw interest at the rate of eight per cent per annum from the due date until paid.

Sec. 7. Any person required to make any report under this Act failing to make the same in the manner or within the time prescribed by this Act shall forfeit to the State a penalty of not to exceed one thousand dollars. Such penalty shall draw eight per cent interest from due date until paid.

Sec. 8. The occupation taxes herein levied shall be placed in the State Treasury by the Comptroller as provided in this Act immediately upon collection of same. One-fourth of such occupation tax shall go to the available free school fund and three-fourths of same shall be placed to the credit of the State Highway Fund for the construction and maintenance of the public highways of the State constituting a part of the State system of public highways as designated by the State Highway Commission, and said funds shall be set aside in a separate fund from the general revenue fund for the two purposes herein mentioned, and shall be subject to disbursement in accordance with the statute controlling the distribution of such available school fund and State Highway Fund, respectively. All funds derived from the occupation tax herein levied are hereby appropriated and shall be available for the purposes herein mentioned for two years beginning September 1, 1923.

Sec. 9. It shall be the duty of the Attorney General to bring suit in behalf of the State in any court of competent jurisdiction in Travis County to recover the amount of taxes, penalties and interest past due and payable by any person affected by this Act.

Sec. 10. The word "gasoline" as used in this Act means gasoline or gasoline substitute refined, com-

pounded, manufactured, blended or prepared in whole or part from petroleum or natural gas or in whole or part from any derivative, fraction or product of petroleum or natural gas; and shall also include what is commercially known as gasoline so refined, compounded, manufactured, blended or prepared.

Sec. 11. If any section, portion, clause, or sentence of this Act should be held to be unconstitutional, or invalid for any reason, the remainder of the Act shall nevertheless remain in force and effect.

Sec. 12. Any law heretofore enacted levying an occupation tax based on selling gasoline in this State is hereby repealed.

Sec. 13. The word "person" as used in this Act shall include persons, firms, partnerships, companies, corporations, associations, receivers, common law trusts, those operating under a declaration of trust, or other concern by whatever name known or howsoever organized, formed or created.

Sec. 14. It is the purpose and intent of this Act to levy an occupation tax that will not operate to burden the industry with the tax every time any particular gasoline is sold, but to place the tax on only one transaction as to any particular gasoline, to the end that the tax will bear equally and uniformly on the gasoline industry.

Sec. 15. The fact that the law recently passed levying an occupation tax on the sales of gasoline is indefinite and uncertain, together with the fact that the State Treasury is in a depleted condition, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

On motion of Senator Bailey, further consideration of the bill was postponed until 3 p. m. today and it was made a special order for that hour.

H. C. R. No. 10.

The Chair laid before the Senate H. C. R. No. 10, granting permission to Judge J. R. Warren to absent

himself from the State, with amendment by Senator Murphy, pending.

On motion of Senator Bailey the amendment was tabled.

The committee report that it be not printed was adopted.

The resolution was then adopted.

S. B. No. 30 on Second Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 30 was put upon its second reading and passage to engrossment by the following vote:

Yeas—25.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

The Chair then laid before the Senate on its second reading,

S. B. No. 30, A bill to be entitled "An Act appropriating any unexpended balance to the credit of Appropriation C-3507, the same being an appropriation made by the Thirty-sixth Legislature for the year ending August 31, 1921, to be found at page 262 of the General Laws of the First and Second Called Sessions of the Thirty-sixth Legislature, and making said unexpended balance, or so much thereof as may be necessary, available for fees and costs of sheriffs, attorneys and clerks in felony cases for the year ending August 31, 1923, and declaring an emergency."

The bill was read second time.

On motion of Senator Wood, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and

the committee report that the bill be not printed was adopted.

S. B. No. 30 was then passed to engrossment.

S. B. No. 30 on Third Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 30 was placed on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

The Chair placed the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

(Lieutenant Governor T. W. Davidson in the Chair.)

S. B. No. 21 on Second Reading.

On motion of Senator Baugh, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order.

S. B. No. 21, A bill to be entitled "An Act to amend Subdivision 2 of Section 2 and Section 4 of House Bill No. 183, passed at the Second Called Session of the Thirty-eighth Legislature, and being:

"An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and re-discount of notes, or other evidences of indebtedness for their members and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members—providing that such notes or other evidences of indebtedness, are made for the purpose provided in the Federal 'Agricultural Credits Act of 1923,' and for the purpose of loaning money to their members stockholders—where the money is to be used for the production and marketing of staple agricultural productions, or for the raising, breeding, fattening or marketing of live stock, and for the purchase and payment for capital stock of such corporation.

"Providing that no corporation shall be organized under the provisions of this Act with a capital stock of less than \$10,000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the laws of Texas; and

"Providing that such corporations shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase, providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and

"Providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and

"Providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock.

"Providing that banking, or other corporations, except saving banks, may—upon the approval of the Commissioner of Banking and Insurance—first had and obtained invest in the preferred stock of such corporations; and

"Providing, also, the requirements to be set out in the articles of incorporation of such corporations; and

"Providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations;

"Providing for the maximum amount of interest; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and was passed to engrossment.

S. B. No. 21 on Third Reading.

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 21 was put upon its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

The Chair then laid Senate Bill No. 21 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—23.

Baugh.	Ridgeway.
Bowers.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.
Rice.	

Absent.

Bailey.	Cousins.
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Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

H. B. No. 9 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 9, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the mining or production of sulphur by any method, system or manner, within this State; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employees or representatives; prescribing penalties for the failure to comply with provisions of this Act; providing for the payment of interest, penalties and costs by certain officials; fixing the venue therefor and the compensation of officials for said services; repealing House Bill No. 328 passed at the Regular Session of the Thirty-eighth Legislature, levying an occupation tax on the production of sulphur, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—17.

Baugh.	Darwin.
Bowers.	Fairchild.
Cousins.	Floyd.

Lewis.	Thomas.
McMillin.	Turner.
Parr.	Witt.
Rice.	Wood.
Ridgeway.	Woods.
Stuart.	

Nays—6.

Holbrook.	Strong.
Murphy.	Watts.
Pollard.	Wirtz.

Absent.

Bailey.	Rogers.
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Absent—Excused.

Bledsoe.	Davis.
Burkett.	Doyle.
Clark.	

S. B. No. 19 on Engrossment.

Senator Rice called up S. B. No. 19 relating to fees to be charged students in the State educational institutions, which was read the second time on June 5, and laid on the table subject to call.

The Chair laid the bill before the Senate, on its passage to engrossment.

Senator Witt offered the following amendment to the bill:

Amend S. B. No. 19, appearing on page 124 of the Senate Journal by striking out Section 1, and revising same so as to read as follows:

Section 1. (a) There shall be collected annually from those entering and attending the sessions of the various educational institutions of Texas, tuition fees as follows:

From students whose homes are in the State of Texas, by the University of Texas and all its branches including the Agricultural and Mechanical College of Texas, and by the West Texas Technological College and by the College of Industrial Arts, the sum of sixty dollars (\$60.00) and by these institutions from students whose homes are not in the State of Texas the sum of ninety dollars, (\$90.00).

From students whose homes are in the State of Texas, by all other colleges, Grubbs Vocational College and John Tarlton College and normals or teachers' colleges included, the sum of thirty dollars (\$30.00) and by said institutions from those entering said college whose homes

are not in the State of Texas, the sum of forty-five dollars (\$45.00).

The fees or tuitions herein provided shall be due and payable, one-half on the day that the student enters the institutions, and one-half on January 1st next succeeding.

(b) It is further provided that ten percent of such fees so collected shall be placed in a revolving fund to be loaned to worthy students for the payment of tuition fees on such terms and conditions as the governing authorities of said several institutions may direct.

Recess.

On motion of Senator Wood, the Senate at 11:59 a. m. recessed until 3 p. m. today.

Afternoon Session.

The Senate met at 3 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

H. B. No. 67 on Passage to Third Reading.

The Chair laid before the Senate as pending business and special order, H. B. No. 67, levying an occupation tax upon the sale of gasoline, which was on this morning postponed until 3 p. m. today and made a special order for that hour, an amendment having been offered by Senator Wirtz, and a motion by Senator Stuart to table the same, pending.

The motion to table was lost.

Question then recurred on the amendment by Senator Wirtz.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—14.

Bailey.	Ridgeway.
Cousins.	Strong.
Darwin.	Thomas.
Floyd.	Turner.
Holbrook.	Wirtz.
Murphy.	Wood.
Parr.	Woods.

Nays—7.

Baugh.	Pollard.
Fairchild.	Rice.
Lewis.	Stuart.
McMillin.	

Absent.

Watts.

Absent—Excused.

Bledsoe.	Davis.
Clark.	Doyle.

(Pairs Recorded.)

Senator Witt (present), who would vote yea; with Senator Bowers (absent), would vote nay.

Senator Rogers (present), who would vote yea; with Senator Burkett (absent), who would vote nay.

Senator Bailey offered the following amendment to the bill:

Amend H. B. No. 67 by striking out "Section 12" and inserting in lieu thereof the following:

"Section 12. The Act passed at the Second Called Session of the Thirty-eighth Legislature, being H. B. No. 109, levying an occupation tax based on sales of gasoline, and any other law heretofore enacted levying such an occupation tax, is hereby repealed; provided that if any officer was charged with the duty under any such prior law to bring suit or collect or enforce collection in any manner of any such occupation tax, penalties or interest, such officer shall discharge such duty at any time hereafter as to any such taxes, penalties or interest accruing under any such prior law before its repeal, according to such prior law, notwithstanding the repeal of any such prior law either by this Act or any other Act, and any and all provisions of any such prior law as to acts or omissions done or performed while such prior law was in effect shall remain in effect as to such acts or omissions.

Senator Cousins offered the following amendment to the amendment:

Amend the amendment by adding the following: "Provided that no penalties shall accrue on tax that has not been paid until this Act becomes effective."

Senator Floyd moved to table the amendment to the amendment, and the motion to table was lost.

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

Senator Wirtz offered the following amendment to the bill:

Amend H. B. No. 67 by striking out the caption, down to the enacting clause, and in lieu thereof insert the following:

A bill to be entitled

"An Act levying a State occupation tax on every person, firm, partnership, company, corporation, association, receiver, common law trust, those operating under a declaration of trust, or other concern, selling at wholesale in intrastate commerce in this State any gasoline; defining wholesale selling so as to include sales in intrastate commerce to the retailers; defining retailer to include sales to the consumer in any quantity; defining wholesale sales so as to include transactions where the Texas refiner, compounder, manufacturer, blender or preparer, markets its gasoline at retail in intrastate commerce and to include sales of imported gasoline in intrastate commerce by the retailer where the gasoline is not sold to the retailer so as to subject the seller to the tax; enacting the necessary provisions to enforce the collection of the tax and to accomplish the purpose of the Act; requiring reports to be made and records to be kept and permitting inspection of same by public officials; prescribing penalties for failure to comply with the Act; providing for interest on delinquent taxes and penalties; making disposition of the taxes after collected, three-fourths of same to go to the State Highway fund and one-fourth to the available school fund; providing for suits to enforce the Act; defining gasoline; declaring the legislative intent as to portions or sections of Act being held invalid; repealing in part all other laws levying an occupation tax based on sales of gasoline in this State; defining 'person' as used in the Act; defining retailer, and declaring an emergency."

The amendment was adopted.

H. B. No. 67 was then passed to third reading.

H. B. No. 67 on Third Reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Ridgeway.
Cousins.	Rogers.
Fairchild.	Strong.
Floyd.	Stuart.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.
Rice.	

Absent.

Baugh.	Darwin.
Bowers.	Watts.
Burkett.	

Absent—Excused.

Bledsoe.	Davis.
Clark.	Doyle.

The Chair then laid H. B. No. 67 before the Senate on third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—21.

Bailey.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.
Rice.	

Nays—2.

Fairchild.	Stuart.
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Absent.

Baugh.	Burkett.
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Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

Relating to Sam Houston Papers.

La Porte, Texas, June 6, 1923.

Hon. H. L. Darwin, Hon. Jno. H. Bailey, Prof. Chas. W. Ramsdell, Hon. E. W. Winkler, Austin, Texas.

Dear Sirs: I have the honor to acknowledge the receipt of your courteous letter relative to the papers left by General Sam Houston, and enclosing copy of Senate Journal of May 24, 1923, with S. R. No. 10.

I assure you that I appreciate your patriotic interest in the preservation of the papers, but those I have are needed by me for the completion of a work, the first volume of which I have prepared, therefore, it would not be possible for me to dispose of them now in any way. It has always been my intention to present them to the State after I shall have finished with them.

Very truly yours,

A. J. HOUSTON.

On motion of Senator Bailey, the above letter was ordered printed in the Journal.

S. B. No. 10—Conference Committee Report.

By Senator Wood:

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate,

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on S. B. No. 10, have had the same under consideration and beg leave to report back to the Senate and House that we have adjusted the differences that existed between the House and the Senate on said bill in the following manner, to wit:

(1) That the Senate concurs in all House amendments.

(2) The item in favor of the Crane Company for \$7,392.00, the item in favor of the Oliver Typewriter Company for \$2486.00 and

the item in favor of the Fulton Bag and Cotton Mills for \$2332.00, all on page 13 of the bill be eliminated from the bill.

(3) That the following items shall be inserted in the bill:

(a) To pay Brazoria County the ad valorem taxes on the land owned by the Prison System situated in Brazoria County for the years 1920, 1921 and 1922, \$22,928.98.

(b) To pay Fort Bend County the county ad valorem taxes due on the land owned by the Prison System in said county for the years 1913, 1915, 1921 and 1922, \$6,623.88.

Respectfully submitted,

WOOD,
MURPHY,
COUSINS,
BOWERS,
BAUGH,

On the part of the Senate.

SMITH,
AMSLER,
FIELDS,
BLOUNT,
JENNINGS,

On the part of the House.

The roll was called and the Conference Committee report was adopted by the following vote:

Yeas—19.

Bailey.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Holbrook.	Stuart.
Lewis.	Turner.
McMillin.	Watts.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Rice.	

Nays—2.

Fairchild.	Woods.
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Absent.

Burkett.	Thomas.
Floyd.	

Absent—Excused.

Baugh.	Clark.
Bledsoe.	Davis.
Bowers.	Doyle.

S. B. No. 19 on Engrossment.

The Chair laid before the Senate as pending business, on its passage to engrossment, S. B. No. 19, providing payment of tuition fees by students of the higher educational institutions of the State, with amendment by Senator Witt, and an amendment to the amendment by Senator Darwin, pending.

Senator Pollard raised the point of order that this bill, being a revenue raising measure, cannot properly originate in the Senate, but, under the Constitution, must originate in the House.

The Chair submitted the point of order to the Senate.

The roll was called and the point of order was sustained by the following vote:

Yeas—12.

Darwin.	Rogers.
Holbrook.	Strong.
Lewis.	Stuart.
Murphy.	Turner.
Parr.	Wirtz.
Pollard.	Wood.

Nays—10.

Baugh.	Rice.
Cousins.	Ridgeway.
Fairchild.	Thomas.
Floyd.	Watts.
McMillin.	Witt.

Present—Not Voting.

Woods.

Absent.

Bailey.	Burkett.
Bowers.	

Absent—Excused.

Bledsoe.	Davis.
Clark.	Doyle.

H. B. No. 8 on Second Reading.

On motion of Senator Cousins, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B. No. 8, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding a new Ar-

ticle 7376a, said article extending the provisions of said chapter so as to include each and every person, association of persons or corporation created by the laws of this or any other State or Nation, which shall engage, in their own name or in the name of others, in the wholesale business of coal oil, fuel oil, naphtha, benzine, or any other mineral oils refined from petroleum; levying a tax of one-half per cent, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time with the committee report carrying amendments.

Senator Floyd moved to postpone further consideration of the bill indefinitely.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—15.

Baugh.	Pollard.
Cousins.	Ridgeway.
Darwin.	Stuart.
Floyd.	Watts.
Holbrook.	Wirtz.
McMillin.	Witt.
Murphy.	Woods.
Parr.	

Nays—4.

Fairchild.	Rogers.
Lewis.	Turner.

Absent.

Bailey.	Rice.
Burkett.	

Absent—Excused.

Bowers.	Clark.
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(Pairs Recorded.)

Senator Thomas (present), who would vote yea; with Senator Davis (absent), who would vote nay.

Senator Strong (present), who would vote nay; with Senator Doyle (absent), who would vote yea.

Senator Wood (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

Senator Floyd moved to reconsider the vote by which H. B. No. 8 was postponed indefinitely, and table the motion to reconsider.

The motion prevailed.

S. B. No. 32 on Second Reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 32 was put upon its second reading and passage to engrossment, by the following vote:

Yeas—24.

Bailey.	Rice.
Baugh.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent.

Burkett.

Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

The Chair then laid before the Senate on its second reading,

S. B. No. 32, A bill to be entitled "An Act to create the Roscoe Independent School District in Nolan County, Texas, including the present Roscoe Independent School District; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas for school purposes only; providing that the board of trustees of the existing school district shall continue to act as such until their successors are elected in accordance with the provisions of this Act, and the General Laws of Texas; repealing an Act known as Senate Bill No. 84, passed by the Thirty-eighth Legislature at its Second Called Session, creating said districts; and declaring an emergency."

The bill was read second time.

On motion of Senator Holbrook, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and

the committee report that the bill be not printed was adopted.

S. B. No. 32 was then passed to engrossment.

S. B. No. 32 on Third Reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 32 was placed upon its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Rice.
Baugh.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent.

Burkett.

Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

The Chair placed the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—24.

Bailey.	Rice.
Baugh.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent.

Burkett.

Clark.

Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.

S. B. No. 29 on Second Reading.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 29 was put upon its second reading and passage to engrossment by the following vote:

Yeas—22.

Bailey.	Ridgeway.
Baugh.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Rice.	Woods.

Absent.

Burkett.	McMillin.
Cousins.	

Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

The Chair then laid before the Senate on its second reading,

S. B. No. 29, A bill to be entitled "An Act changing the name and title of the Commissioner of Insurance and Banking to 'Commissioner of Insurance,' and providing that the Department administered by such officer shall be known as the 'Department of Insurance' instead of the 'Department of Insurance and Banking'; and declaring an emergency."

The bill was read second time.

On motion of Senator Floyd, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

S. B. No. 29 was then passed to engrossment.

S. B. No. 29 on Third Reading.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 29 was placed upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Ridgeway.
Baugh.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Rice.	Woods.

Absent.

Burkett.	McMillin.
Cousins.	

Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

The Chair laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.	Ridgeway.
Baugh.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Rice.	Woods.

Absent.

Burkett.	McMillin.
Cousins.	

Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

H. B. No. 86 on Second Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 86 was put upon its second reading and passage to third reading by the following vote:

Yeas—23.

Bailey.	Ridgeway.
Baugh.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.
Rice.	

Absent.

Burkett.	Cousins.
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Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

The Chair then laid before the Senate on its second reading,

H. B. No. 86, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follow, to-wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarlton Agricultural College, Grubbs Vocational College, hereafter to be known as the North Texas Junior Agricultural College, College of Industrial Arts, Texas Technological College, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State Teachers College at Nacogdoches, South Texas State Teachers

College at Kingsville, Texas School for the Blind and Texas School for the Deaf, for years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency."

The bill was read second time.

On motion of Senator Wood, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report carrying a substitute and that the bill be not printed was adopted.

H. B. No. 86 was then passed to third reading.

H. B. No. 86 on Third Reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 86 was placed upon its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Ridgeway.
Baugh.	Rogers.
Darwin.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.
Rice.	

Absent.

Burkett.	Cousins.
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Absent—Excused.

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

The Chair laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—23.

Bailey.	Holbrook.
Baugh.	Lewis.
Darwin.	McMillin.
Fairchild.	Murphy.
Floyd.	Parr.

Pollard.	Turner.
Rice.	Watts.
Ridgeway.	Wirtz.
Rogers.	Witt.
Strong.	Wood.
Stuart.	Woods.
Thomas.	

Absent.

Burkett.	Cousins.
Absent—Excused.	

Bledsoe.	Davis.
Bowers.	Doyle.
Clark.	

Message From the House.

Hall of the House of Representatives,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for a Free Conference Committee on S. B. No. 10, and the following committee is appointed on the part of the House: Smith, Jennings, Carpenter of Dallas, Fields and Amsler.

House has adopted the report of the Free Conference Committee on H. B. No. 77.

Has passed

H. B. No. 51, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholastics shall receive such aid; giving preference to all school districts in which the available school fund, together with the

local district tax, will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith."

The House has granted the request of the Senate for a Free Conference Committee on S. B. No. 6, and the following are appointed on the part of the House: Beasley, Irwin, Dunn, Satterwhite and Simpson.

House has concurred in Senate amendments to H. B. No. 9.

Has passed

H. B. No. 86, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarlton Agricultural College, Grubbs Vocational College, hereafter to be known as the North Texas Junior Agricultural College, College of Industrial Arts, Texas Technological College, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers

College at Alpine, Stephen F. Austin State Teachers College at Nacogdoches, South Texas State Teachers College at Kingsville, Texas School for the Blind and Texas School for the Deaf, for years beginning September 1, 1923, and ending August 31, 1925, and declaring an emergency."

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Senator J. H. Woods) had referred, after their captions had been read, the following House bills:

H. B. No. 51, to the Committee on Finance.

H. B. No. 86, to the Committee on Finance.

Recess.

On motion of Senator Wood, the Senate at 5:30 p. m. recessed until 10 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 4 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed bills, have had S. B. No. 21 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed bills, have had S. B. No. 22

carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 23 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed bills have had S. B. No. 24 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed, Bill, have had S. B. No. 25 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 30 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Committee Room,
Austin, Texas, June 8, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to amend Section 1, of a special Act, 'creating Rockwall Independent School District, prescribing metes and bounds and providing for the creation of a board of trustees and authorizing said trustees to levy, assess and collect special taxes, and conferring upon said board plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within said district, and further prescribing the authority

and duties of said boards of trustees, enacted by the Thirty-third Legislature of the State of Texas, approved on the 31st day of March, 1913, so as to include in said district, thus formed additional territory, and declaring an emergency".

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 30, A bill to be entitled "An Act appropriating any unexpended balance to the credit of Appropriation C-3507, the same being an appropriation made by the Thirty-sixth Legislature for the year ending August 31, 1921, to be found at page 262 of the General Laws of the First and Second Called Sessions of the Thirty-sixth Legislature, and making said unexpended balance, or so much thereof as may be necessary, available for fees and costs of sheriffs, attorneys and clerks in felony cases for the year ending August 31, 1923, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to create the Roscoe Independent School District in Nolan County, Texas, including the present Roscoe Independent School District; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas for school purposes only; providing that the board of trustees of the existing school district shall continue to act as such until their successors are elected in ac-

cordance with the provisions of this Act, and the General Laws of Texas; repealing an Act known as Senate Bill No. 84 passed by the Thirty-eighth Legislature at its Second Called Session, creating said district; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 34, A bill to be entitled "An Act creating an Illiteracy Commission for Texas, defining the powers and duties of said commission, and making an appropriation for the work to be carried on under the direction of said commission; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOOD, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 4, resolving that the Attorney General be instructed to collect money owing the State as the result of a four hundred thousand dollar loan made to certain drought stricken counties in 1918.

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend H. C. R. No. 4 by striking from the last paragraph of the resolution the words "legal or otherwise" and by inserting the phrase "in his judgment" between the word "as" and the word "may," the amended clause to read, "as in his judgment may be necessary and proper to collect this money for the State," and be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 57, A bill to be entitled "An Act extending for a period of five years all permits to prospect for oil and gas heretofore and hereafter issued on river beds and channels, fresh water lakes and islands, bays, marshes, reefs, salt water lakes, submerged lands, and on University lands, Asylum lands and public school lands, etc."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute do pass and be printed in the Journal, and not otherwise.

WITT, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

H. B. No. 51, A bill to be entitled "An Act for the purpose of promoting the public school interest of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next fiscal two years, ending August 31, 1924, and August 31, 1925, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid, giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent schools from meeting State re-

quirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith."

Have had same under consideration, and I am instructed by a majority of the committee to report it back to the Senate with the recommendation that it do pass with committee amendments, and that it be not printed.

WOOD, Chairman.

Amendment No. 1.

Amend H. B. No. 51 by striking out the words and figures "two million dollars (\$2,000,000.00)" wherever they appear in the caption and in the bill and insert in lieu thereof the words and figures "one million dollars (\$1,000,000.00)"

Amendment No. 2.

Amend H. B. No. 51 by striking out the first paragraph of Section 5 and insert in lieu thereof the following:

"Section 5. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State aid funds for a period not to exceed six months even though the school district be unable to comply with the foregoing conditions; provided, however, that the amount of the tax herein provided for must be voted by the patrons of said school district and cannot be waived by the State Board of Education, and, provided further, that the amount granted in no case, shall exceed \$300.00."

(Minority Report.)

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Com-

mittee on Finance, to whom was referred H. B. No. 51, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amendment No. 1.

Amend H. B. No. 51 by striking out the words and figures "two million dollars (\$2,000,000.00)" wherever they occur in the caption and in the bill, and insert in lieu thereof the words and figures "one million, five hundred thousand dollars (\$1,500,000.00)."

Amendment No. 2.

Amend H. B. No. 51 by striking out the first paragraph of Section 5 and insert in lieu thereof the following:

"Section 5. In case of extraordinary and unusual conditions, where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid funds for a period not exceeding six months even though the school district be unable to comply with the foregoing conditions; providing, however, that the amount of the tax herein provided for must be voted by the patrons of said school district and cannot be waived by the State Board of Education, and, provided further, that the amount granted in no case, shall exceed \$300.00."

DARWIN.
LEWIS.
BURKETT.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 86, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, Agricultural and Mechanical College, State Experimental Stations, Prairie View Normal and Industrial College, John Tarlton Agricultural College, Grubbs Vocational College, hereafter to be known as the North Texas Junior Agricultural College, College of Industrial

Arts, Texas Technological College, Sam Houston State Teachers College at Huntsville, Southwest Texas State Teachers College at San Marcos, North Texas State Teachers College at Denton, West Texas State Teachers College at Canyon, East Texas State Teachers College at Commerce, Sul Ross State Teachers College at Alpine, Stephen F. Austin State Teachers College at Nacogdoches, South Texas State Teachers College at Kingsville, Texas School for the Blind and Texas School for the Deaf, for the years beginning September 1st, 1923, and ending August 31, 1925, and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the committee substitute in lieu thereof do pass, but be not printed.

WOOD, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 29, A bill to be entitled "An Act changing the name and title of the Commissioner of Insurance and Banking to 'Commissioner of Insurance,' and providing that the department administered by such officer shall be known as the 'Department of Insurance' instead of the 'Department of Insurance and Banking'; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROGERS, Vice-Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 28, A bill to be entitled "An Act authorizing any city in the State of Texas of one hundred thousand or more population, whether organized by special law, home rule charter, or General Laws of the State

of Texas, to disannex unimproved territory, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

RIDGEWAY, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 26, A bill to be entitled "An Act to prohibit the reckless driving and operation of motor vehicles on the public highways of the State of Texas, and prescribing penalties therefor, and defining reckless driving and operation, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

TURNER, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 33, A bill to be entitled "An Act amending the statutes relative to drugs and narcotics making it unlawful to possess for unlawful sale, furnishing or giving away any marijuana or other drug, narcotic preparation, derivative or preparation mentioned in Section 1 of Chapter 150, General Laws, Regular Session of the 36th Legislature as amended by Chapter 61, General Laws of the Second Called Session of the 36th Legislature, and making it a felony to carry on or about the person any pistol, arm or weapon mentioned in Article 475, Penal Code, while so possessing same; prescribing penalties; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

TURNER, Chairman.

Committee Room,

Austin, Texas, June 8, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 35, A bill to be entitled "An Act regulating the lights and lighting and operation of motor vehicles, tractors, trailers, semi-trailers, motorcycles, and bicycles in this State; prescribing the lights for such vehicles between the hours of half-hour after sunset and half-hour before sunrise; providing for the use of red flags on certain loaded vehicles in the daytime; enacting the necessary penal provisions as to lights for such vehicles and devices and equipment for such lights; providing for the tests and approval of such devices and equipment by the State Highway Commission; prescribing the rule of evidence in criminal prosecutions relative to such test and approval; prescribing penalties for violations of the Act; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

TURNER, Chairman.

SIXTEENTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

Saturday, June 9, 1923.

The Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

H. B. No. 11 on Second Reading.

On motion of Senator Fairchild, by unanimous consent, the regular order of business was suspended, and the Senate took up out of its regular order, on its second reading and passage to third reading,

H. B. No. 11, A bill to be entitled "An Act to amend Subdivision 5 of Article 7618 of the Revised Civil Statutes of 1911, as amended by Chapter 124, page 190, General Laws, Regular Session, Thirty-fourth Legislature, approved March 22, 1915, pertaining to the collec-